

REMARKS

Applicant respectfully requests reconsideration of the instant application in the view of the following remarks. Claims 1-57 were previously pending in the application, with claims 9-17, 26-33 and 42-57 deemed withdrawn. Claims 1, 3-6, 8, 18, 20-23, 25, 34, 36-39 and 41 are amended herein. Applicant submits that the amendments to the claims are supported throughout the originally filed specification, by way of non-limiting example only, see Paragraphs 0050-0052. Accordingly, Applicant submits that no new matter has been added by way of this Amendment.

Applicant thank the Examiner for taking the time to discuss and clarify aspects of his concerns regarding the objections/rejections from the pending Office Action.

Drawings Objections

The Office Action objects to the figures under 37 CFR §1.83(a) as allegedly failing to show a variety of elements that are recited in the claims. More specifically, the Examiner indicates that the "first, second, third, fourth, fifth and sixth values recited in claims 3-6, 20-23 and 36-39 must be shown or the feature(s) canceled from the claim(s)." (See, Office Action, page 4, ¶1).

Applicant respectfully disagrees with the assertion that the specification fails to show every feature of the invention specified in the claims. Applicant submits that by way of non-limiting example only, aspects of values discussed in claims 3-6, 20-23 and 36-39 are illustrated in Fig. 3. More specifically, Applicant submits that Fig. 3 and the corresponding discussion from the originally filed specification paragraphs [0050]-[0055] discuss aspects of one possible implementation of the claimed values and that other implementations are possible.

Furthermore, Applicant has amended claims 3-6, 8, 20-23, 25, 36-39, and 41 to further clarify aspects of these claims.

Accordingly, Applicant submits that objections to the drawings have been overcome for at least this reason.

Claim Objections

The Examiner has objected to claims 3-8, 20-25 and 36-41 as failing to provide proper antecedent basis for the claimed subject matter. More specifically, the Examiner indicates, the "claim or claims ...must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description." (See, Office Action, page 5, ¶ 1.)

Applicant respectfully disagrees that the claims are not supported by the originally filed specification. As discussed above, Applicant submits that by way of non-limiting example only, paragraphs [0050]-[0055] of the originally filed specification discuss aspects of one possible implementation of the claimed elements and that other implementations are possible. Furthermore, Applicant has amended claims 3-6, 8, 20-23, 25, 36-39, and 41 to further clarify aspects of these claims.

Accordingly, Applicant submits that the objections to the drawings have been overcome for at least this reason.

Claim Rejections - 35 USC § 112

A. Claims 3-8, 20-25, and 36-41 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner indicates that

the "specification provides no guidance in teaching how to perform steps recited in claims 3-6, 20-23 and 36-39." (See, Office Action, page 5, ¶2).

Applicant respectfully disagrees and submit that by way of non-limiting example only, paragraphs [0050]-[0055] of the originally filed specification discuss aspects of one possible implementation of the claimed elements and that other implementations are possible. Furthermore, Applicant has amended the claims 3-6, 8, 20-23, 25, 36-39, and 41 to further clarify aspects of these claims.

B. Claims 20-22 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner indicates, "since it is not clear what constitute of a first, second, third, fourth and fifth values the metes and bounds of claims 20-22 cannot be determined." (See, Office Action, page 6, ¶ 2). The Examiner also indicates the term "evaluating" as used in claims 4, 21, and 37 is not understood.

Applicant respectfully disagrees and submit the claims are clear and definite. Applicant notes that claims 20-22 are means-plus-function claims and as such "shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof." (See, 35 U.S.C. § 112, ¶6). Applicant submits that as these claims are supported by the originally filed specification - by way of non-limiting example only, Applicant notes that paragraphs [0050]-[0055] of the originally filed Specification discuss aspects of one possible implementation of the claimed elements and that other implementations are possible. Furthermore, Applicant has amended claims 3-6, 8, 20-23, 25, 36-39, and 41 to further clarify aspects of these claims.

Accordingly, for at least these reasons, Applicant requests withdrawal of these grounds of rejections.

Rejections under 35 U.S.C. § 102

Claims 1-4, 18-21 and 34-37 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Aura, US Patent No. 6,711,400 (hereinafter "Aura"). Applicant traverses the rejection and submits that Aura does not discuss every element of independent claim 1.

Amended independent claim 1 recites, inter alia:

1. A method for facilitating authentication in a wireless network comprising:

(a) receiving an initial nonce value and a mobile station message authentication code value from a serving mobile network in an authentication data request associated with a user device, the initial nonce value originating from the user device and the mobile station message authentication code value is determined from data originating from the user device and the serving mobile network....

Applicant respectfully submits that Aura does not discuss "receiving an initial nonce value and a message authentication code...[wherein the message authentication code [is] determined from data originating from the user device and the serving mobile network..." as recited in amended independent claim 1.

The Examiner alleges that Aura anticipates the independent claim by discussing aspects of Aura's Fig. 4. For example, the Examiner relies points to receiving "an initial nonce value (RAND1) from a serving mobile network in an authentication data request (IMSI, RAND1) associated with a user device (MS), the initial nonce value originating from the user device (object 401, Fig. 4)" as anticipating element (a) from claim 1. (See, Office Action, page 7, ¶ 2). Applicant disagrees with the Examiner's assertion that Aura anticipates the claimed elements. More specifically, Applicant submits that Aura does not discuss at least receiving an initial nonce and a mobile station message authentication code value as recited in independent claim 1.

As illustrated in Aura's Fig. 4 and discussed in Aura's Specification, "At stage 401, the mobile station generates a random number RAND1, and sends its international mobile subscriber identity IMSI along with the random number to the network VPLMN." (See, Aura, Col. 6, lines 21-24). Aura continues the authentication process, "at stage 402, the mobile services switching center...sends the message to (IMSI, RAND1) sent by the mobile station to the authentication centre." (See, Aura, Col. 6, lines 24-29). However, Applicant submits Aura does not discuss at least receiving a mobile station message authentication code value determined from data originating from the user device and the serving mobile network, as recited in independent claim 1.

For at least this reason, Applicant submits that Aura does not anticipate independent claim 1.

Although of different scope than claim 1, Applicant submits that claim 18 is patentable over Aura for at a similar reason as discussed above with regard to Aura's deficiencies and independent claim 1. For example, claim 18 recites, inter alia:

An apparatus...comprising:

means for receiving an initial nonce value and a mobile station message authentication code value from a serving mobile network in an authentication data request associated with a user device, the initial nonce value originating from the user device and the mobile station message authentication code value is determined from data originating from the user device and the serving mobile network....

Applicant respectfully submits that at least this claim element from independent claim 18 is not anticipated by Aura's system, which relays the MS device message containing RAND1, IMSI elements as discussed above.

Although of different scope than claim 1, Applicant submits that claim 34 is patentable over Aura for at a similar reason as discussed above with regard to Aura's deficiencies and independent claim 1. For example, claim 18 recites, inter alia:

A computer-readable medium housing stored thereon instructions, which when executed by a processor, cause the processor to perform a method comprising:
receiving an initial nonce value and a mobile station message authentication code value from a serving mobile network in an authentication data request associated with a user device, the initial nonce value originating from the user device and the mobile station message authentication code value is determined from data originating from the user device and the serving mobile network....

Applicant respectfully submits that at least this claim element from independent claim 34 is not anticipated by Aura's system, which relays the MS device message containing RAND1, IMSI elements as discussed above.

Furthermore, Applicant submits claims 2-8, 15, 19-25, 32, 35-41 and 48, which are directly or indirectly dependent from independent claims 1, 18, or 34 respectively, are also not anticipated by Aura's system, which relays the MS device message containing RAND1, IMSI elements for at least the reasons discussed above.

Accordingly, Applicant requests withdrawal of this ground of rejections.

Conclusion

In summary, Applicant submits that independent claims 1, 18, and 34 are patentably distinct from the cited reference for at least the reasons discussed above. Applicant submits that claims 2-8, 15, 19-25, 32, 35-41 and 48, which are directly or indirectly dependent from independent claims 1, 18, or 34 respectively, are also patentably distinct from the cited reference for at least the reasons discussed above.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future. Furthermore, although Applicant has amended independent claims 1, 18 and 34 herein, Applicant submits that the originally filed claims are also patentably distinct from the cited reference. As such, Applicant reserves the right to pursue the originally filed claims 1, 18 or 34, as well as claims directly or indirectly dependent on originally filed claims 1, 18 or 34, in one or more continuation application(s). Accordingly, Applicant respectfully requests reconsideration/further examination of the instant application in view of the foregoing Amendments/Remarks.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 03-1240, Order No. 99999-652.

In the event that an additional extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 99999-652.

Respectfully submitted,

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